

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants wish to thank the Examiner for the telephone interview of June 12, 2009, between Examiner Khan, the Examiner's supervisor, and Applicants' Representative, Attorney William Boshnick. During the interview, Applicants' Representative asserted that the applied German reference (DE 4414318 A1) fails to teach or otherwise render unpatentable the present claims, as the office action merely includes various external components of the reference so as to improperly correspond to the recited sealing member; however, solely in order to expedite the allowance of the claims, Applicants would be willing to amend the independent claims by clarifying the sealing member. In this regard, the Examiners suggested that Applicants amend the independent claims to add limitations reciting that (1) the sealing member is elastic, and (2) the sealing member is located behind a quick return mirror. Applicants' Representative explained that the limitation (1) was already in rejected dependent claims 18 and 20, but the Examiner's supervisor again reiterated that limitation (1) in combination with limitation (2) would overcome the references of record.

Regarding the rejection under 35 U.S.C. § 112, Applicants' Representative suggested cosmetically amending independent claims 1 and 9 to recite a "shutter frame" to which the Examiners generally agreed.

In view of the above proposed amendments, the Examiners indicated that they were prepared to withdraw the outstanding rejections, pending the successful completion of an updated search.

Applicants note that the enclosed amendments generally correspond to those discussed during the interview.

REMARKS

Applicants would like to express appreciation to the Examiner for the detailed Final Official Action provided. Upon entry of the present paper, claims 1, 4, 9 and 12-14 will have been amended, and claims 18 and 20 will have been canceled without prejudice or disclaimer. No new matter has been added. Applicants note that claim 4 has been amended merely to reflect the amendments made to claim 1 from which it depends. Claims 1-17, 19 and 21-22 are pending before the Examiner. Applicants respectfully request reconsideration and withdrawal of the outstanding objection and rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

Claim Objections

The Examiner has objected to claims 12-14 due to informalities. Without agreeing to the propriety of the Examiner's objection, Applicants have amended these claims, and respectfully request withdrawal of this objection.

Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 1 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite, finding it unsure as to how the sealing member can be attached to a moving part such as the shutter. While Applicants respectfully disagree with the Examiner's rejections under 35 U.S.C. § 112, second paragraph, in that one skilled in the art should readily understand the above-noted claimed limitations prior to the present Amendment, especially since the Examiner was apparently able to examine these claims on the merits, without agreeing to the propriety of the Examiner's rejection, as discussed *supra*, Applicants have amended claim 1 to recite that the sealing member is affixed to the [shutter] frame member, solely to expedite the patent application process. No new matter has been added. It is thus respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected of claims 1-7 and 18-19 under 35 U.S.C. § 102(b) as being anticipated by German reference (DE 4414318 A1) to SCHOENHERR, finding that this reference teaches all limitations of these claims. Applicants again respectfully traverse the Examiner's rejection. While Applicants respectfully disagree with the propriety of the outstanding rejection of the claims (since, as discussed *supra*, the office action merely includes various external components of the reference so as to improperly correspond to the recited sealing member), solely in order to advance the prosecution of the present application, as discussed *supra*, Applicants have amended independent claim1 to generally recite that (1) the sealing member is elastic, and (2) the sealing member is located behind a quick return mirror (and have canceled claim 18 without prejudice or disclaimer). To the contrary, the "sealing member" of SCHOENHERR is not elastic (since several elements identified by the Examiner are hard external camera components), nor is it behind a quick return mirror.

Therefore, Applicants respectfully submit that SCHOENHERR, as well as the other references of record, fails to teach or render obvious the sealing member as generally recited in claim 1.

With respect to the Examiner's rejection of dependent claims 2-7 and 19 Applicants submit that these claims are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied references fails to disclose each and every element recited in independent claim 1, and the claims dependent

therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. § 102.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected independent claims 8-17 and 20-22 under 35 U.S.C. § 103(a) as being unpatentable over SCHOENHERR in view of U.S. Patent No. 6,225,244 to OGUMA (relying on OGUMA for the teaching of the recited filters). With respect to independent claim 9, Applicants also respectfully disagree with the propriety of the outstanding rejection of the claims (since, as discussed *supra*, the office action merely includes various external components of the reference so as to improperly correspond to the recited sealing member), solely in order to advance the prosecution of the present application, as discussed *supra*, Applicants have amended independent claim 9 to generally recite that (1) the sealing member is elastic, and (2) the sealing member is located behind a quick return mirror (and have canceled claim 20 without prejudice or disclaimer). To the contrary and as discussed *supra* with respect to independent claim 1, the “sealing member” of SCHOENHERR is not elastic (since several elements identified by the Examiner are hard external camera components), nor is it behind a quick return mirror. Applicants further assert that neither does the OGUMA reference teach at least these recited features. Thus Applicants respectfully assert that neither SCHOENHERR nor OGUMA, nor any of the other references of record, when taken alone or in any proper combination, teaches or renders obvious the invention of independent claim 9.

With respect to rejected dependent claims 8, 10-17 and 21-22, Applicants note that since these claims are dependent from one of allowable independent claims 1 and 9, which are allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references. It is thus respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for Patentability at least under 35 U.S.C. §§112, 102 and 103, and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

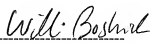
In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or renders obvious the present claimed invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Makoto MOGAMIYA et al.

William S. Boshnick
Reg. No. 44,550


Bruce H. Bernstein
Reg. No. 29,027

June 30, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

{P23749 00165967.DOC}